

TO BE FILED WITH NGB TPR 300

TECHNICIAN PERSONNEL
NJDMAVA TPR 335

NEW JERSEY DEPARTMENT OF
MILITARY AND VETERANS AFFAIRS
3650 Saylor's Pond Road
JBMDL, New Jersey 08640
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**MERIT PLACEMENT PLAN FOR NEW JERSEY NATIONAL GUARD
EXCEPTED DUAL AND NON DUAL STATUS TECHNICIANS**

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This regulation supersedes NJDMAVA TPR 335.A dated 1 May 1992, including all changes

CHAPTER 1
GENERAL

1-1. **Purpose.** This plan establishes procedures and provides information on the merit placement program for federal technician positions in the NJNG. This placement plan provides for the systematic and equitable procedures effecting promotion and placement within the New Jersey National Guard and it is incumbent upon all personnel, particularly those in supervisory and management positions to be thoroughly familiar with its provisions.

1-2. **Employment Policy.**

a. It is the policy of the New Jersey National Guard that all technician positions are filled by the best-qualified individuals available and insure that all technicians have an opportunity to develop and advance to their full potential. All technician vacancies will be filled on the basis of merit and job-related factors. For purposes of this plan, military requirements are considered as job-related qualifying factors for positions in the Excepted Service. All actions under this plan will be made without discrimination for non-merit reasons such as race, color, religion, gender, sex, age, national origin, marital status, membership or non-membership in an employee organization, age or non-disqualifying physical/mental handicap (except for military requirements for excepted military technicians).

b. The provisions of 32 USC 709 require that a technician who is employed in a position in which National Guard membership is required as a condition of employment and who is separated from the National Guard, or ceases to hold the military grade specified for his/her positions, shall be promptly separated from this technician employment. In addition to military membership, technicians must maintain the military security standards; and meet the military physical requirements appropriate for the compatible military assignment. Further, all appointments, reassignments or promotions to positions that require military membership will be in the excepted Federal service, and all candidates will meet all qualification requirements prior to placement.

1-3. **Scope.** This plan encompasses all technician positions in the New Jersey Department of Military and Veterans Affairs (NJDMAVA). It will be used in filling positions through initial appointment, promotion, reassignment, reinstatement, demotion, and transfer. This plan complies with the merit placement requirements set forth by the Office of Personnel Management (OPM) and instructions issued by the National Guard Bureau (NGB). When the guidance and procedures of this directive are in conflict with directives of a higher headquarters, the publication issued by the higher headquarters will take precedence. For the purpose of this plan there are no military requirements for Non-Dual Status (NDS) technicians and any further reference to military aspects of this plan do not apply to NDS technicians.

1-4. **Definitions.**

a. **Excepted Service.** A person employed under Title 32 USC 709 who must also be a member of the states National Guard as a condition of employment.

b. **Dual Status Technician (DS).** A technician hired by excepted service criteria that are required to maintain military membership as a condition of employment in the agency.

c. **Non-Dual Status Technician (NDS).** A technician hired by excepted service criteria who is not required to have military membership as a condition of employment in the agency.

n. **Promotion.** A promotion is a change of technician grade:

- (1) To a higher grade when both the old and the new positions are under the same General Schedule (GS)
- (2) To a higher grade when both the old and the new positions are under the same Federal Wage Schedule (FWS)
- (3) From a grade under a one pay schedule to a grade with a higher representative rate under different wage schedule (i.e. from GS to a FWS)

o. **Temporary Promotions.** A promotion for a specified period of time to fill a position during the extended absence of a technician, to fill a vacant position until it filled permanently, or to participate in a special project which will last for a limited period. Competitive procedures must be used when the promotion is expected to last more than 120 days. If competitive procedures are used and the position is advertised as having "permanent potential" the candidate selected may be converted to permanent status without further competition.

p. **Promotions/Appointments to Lower than Authorized Grades.**

(1) A technician may be promoted/appointed to a grade lower than the target grade of the position when announced at lower levels. Applicant must meet the qualifications for the grade level for which he/she is being considered. The manager concerned must establish a training program that will permit the technician to assume the full responsibility and duties of the position in the shortest possible time. The HRO will also modify the position description with a statement-of-difference to reflect the duties at the lower grade.

(2) When an applicant is selected as a trainee, the selecting official will specify on the NGB form 650 (Appendix A) the training requirements that the applicant must meet before he/she advances to an intervening target grade. The statement of requirements must include the time period allowed for completion of the required training.

q. **Re-promotion.** To a intervening grade or position from which a technician was demoted without personal cause and not at his or her request.

r. **Area of Consideration** (See Para 3-4). The geographical or functional location in which an intensive search for eligible candidates in specific recruitment, promotion, or placement actions.

s. **Evaluation of Candidates.** Evaluation is the process of assessing a job applicant's eligibility and the degree to which the candidate possesses the general and specialized experience, applicable military qualifications, knowledge, skills, abilities (KSA's), personal characteristics, and potential needed for successful performance in the position being filled

t. **Eligible Candidates.** Those candidates, who meet the general and specialized experience, and selective placement factors identified as the minimum qualification standards for the position, are basically eligible. The selective placement factors include, but are not limited to, such things as enlisted/officer positions, Dual or Non-Dual status, military unit of assignment, etc., and will be taken into consideration whenever applicable. The minimum qualification standards are those qualifications established by the National Guard Bureau (NGB) and NJDMAVA.

1-5. Responsibilities.

a. The Adjutant General (TAG) is the appointing authority for the NJNG technician program and is the highest level of authority in the state concerning the overall application of the Merit Placement Plan.

b. The Human Resource Officer (HRO) is responsible to TAG in ensuring that the requirements of this Merit Placement Program are carried out. The HRO will:

- (1) Develop, maintain, evaluate, and revise the program pursuant to 5 USC 7117.
- (2) Ensure compliance with the program.
- (3) Provide guidance and assistance to managers and supervisors concerning their responsibilities under this plan.
- (4) Ensure that candidates are properly evaluated and certified for placement.
- (5) Maintain necessary records.
- (6) Ensure technician/military compatibility requirements are published in vacancy announcements.

c. Managers and Supervisors will:

- (1) Ensure that technicians under their supervision are aware of this plan
- (2) Ensure that actions affected within their area of responsibility are based on merit without discrimination.
- (3) Encourage technicians under their supervision to participate in developmental opportunities and to apply for positions for which they are qualified.
- (4) Recommend changes to this plan to the HRO.
- (5) Ensure that technicians under their supervision who are absent (military duty, service schools; compensable injury which does not exceed one (1) year, etc.) are considered for positions for which they are qualified.

d. Individual Technicians are Responsible for:

- (1) Pursuing development opportunities in preparing to assume higher level duties.
- (2) Familiarizing themselves with the provisions of this plan.
- (3) Ensuring that applications, forms, and their Electronic Official Personnel Folder (EOPF) contain accurate and current information concerning qualifications and self-development activities.
- (4) Submitting job applications through USA JOBS.GOV

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1-9. Employment of Relatives.

a. 5 USC 3110 restricts the employment of relatives in a public official's own agency or in an agency which he/she exercise jurisdiction or control. This restriction applies to appointment, employment or promotion in both competitive and excepted services.

b. Public official means an officer, employee, or any other individual who by law, rule, regulation or delegation has the authority to appoint, employ or promote or to recommend appointment, employment, or promotion.

c. Relative means father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, sister-in-law, brother-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister.

d. A public official may not advocate or recommend a relative's appointment, promotion, employment or advancement anywhere in his/her agency or in any agency over which he/she exercises jurisdiction and control.

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l. The HRO will maintain a roster of all technicians entitled to grade retention as a result of a RIF or reclassification. These technicians will be afforded priority placement, provided they meet the full technician and military qualifications. Such priority placement will precede any normal placement actions.

(1) If a vacancy of equal or intervening grade exists within the commuting area for which the technician is fully qualified, the technician will be offered the position. If there is more than one eligible technician in a saved grade status, the selecting official will be given a list from which to make a selection. Grade and pay retention will be terminated if the technician refuses the offer of a position equal to the technician's retained grade. Declination of offer must be in writing.

(2) If vacancy exists and there are no over-graded technicians within the commuting area, the position will be offered to the technician outside the commuting area, grade and pay retention will continue.

(3) PCS is not authorized if there are qualified and available over-graded technicians within the commuting area.

m. Nothing in this section negates TAG's prerogative to convert vacancies to military duty positions.

n. Prior permanent NJDMAVA employees technician (Dual or Non-Dual Status) for a position at the same or lower grade than the one last held who:

(1) Was in Tenure 1 at time of separation may be re-employed to a position at the same or lower grade as the position which they were separated.

(2) Was in Tenure 2 may be re-employed without competition within three (3) years of separation to a position at the same or lower grade as the position from which they were separated.

o. Placement as a result of priority consideration when a candidate was not previously given proper consideration.

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- f. Promotion potential (if applicable) ie two graded interval positions WG - 08/10
- g. Opening and closing dates
- h. Equal employment opportunity statement.
- i. How to apply and what forms are required.
- j. Minimum area of consideration.
- k. Any selective placement factors (KSA) absolutely essential for satisfactory performance.
- l. Special conditions of employment or developmental training, if applicable.
- m. Designated security clearance required.
- n. Medical standards/physical requirements, requirement for periodic medical evaluation and MOS/AFSC qualifying scores (ASVAB/AFQT) when applicable.

Note: Vacancy announcements may be cancelled by the HRO upon request of management. Such requests must state the reason (s) for cancellation. (See para 6-2)

3-3. Posting of Announcements. The opening period will be 15 calendar days or more, to include date of publication. To insure that all interested persons are aware of vacancy announcements, they will be posted conspicuously throughout NJNG installations and on the HRO website at <http://www.state.nj.us/military/hro>

3-4 Area of Consideration (AOC). See Union Contracts for AOC specifics for ANG

- Area I - All NJNG technicians (Dual or Non Dual Status)
- Area II - All members of the NJNG
- Area III - Current and Prior Military Service Members eligible for membership in the NJNG
- Area IV - Civilian's eligible for membership in the NJNG

a. For most vacant positions, it will be assumed that a sufficient number of qualified candidates can be located within the NJNG. However, the area of consideration will be expanded to include Areas III and IV, if the vacancy announcement does not produce three (3) or more eligible candidates from Area I or II.

b. Management from time to time will limit the area of consideration to those on board technicians within a particular functional area or activity to maintain manning levels or to prelude a RIF.

CHAPTER 4
APPLICATION EVALUATION

4-1. Basic Eligibility. Applications will be reviewed by a HRO Staffing Specialist to determine basic eligibility. Candidates must meet the basic qualifications established for the position including any selective placement factors. Applicants who meet the minimum qualifications will be considered basically eligible; NGB Form 300-2 (Initial Screening Worksheet for Merit Staffing Actions) will be used to determine basic eligibility. Candidates not meeting the minimum qualifications will be notified by memorandum as to what basic qualifications were lacking.

4-2. Selective Placement Factors. Selective placement factors are the KSAs, or other personal characteristics absolutely essential for satisfactory performance on the job. They will be determined in advance of advertising a position and will be stated in the vacancy announcement. When used, they are a part of the basic eligibility requirements for the position.

4-3. Conditions of Employment. Conditions of employment are those requirements of the position, which are necessary in order to perform duties of the position (i.e., security, medical physical requirements and education requirements). In addition, positions may have established requirements for continued retention (i.e., developmental training). When either conditions of employment or requirements for continued position retention have been established, they must be included in the vacancy announcement.

- a. Security requirements. A technician is subject to the personnel security requirements in accordance with (IAW) TPR 700 (732.1). The HRO must determine whether the applicant has the required security clearance for the assignments. When a technician cannot meet the security requirements of the position, action must be taken IAW TPR 715, paragraph 2-2.
- b. Training requirements. Applicants for positions with developmental training requirements must be informed in advance that failure to complete required course (s) will be cause for removal from the position. The HRO will require the applicant to sign written statements to the effect that he/she must either satisfactory complete the appropriate course(s).
- c. Medical/physical requirements. Applications must meet any medical standards or physical requirements designated for the position.

4-4. Eligible applicants. All eligible candidates will be referred to the selecting official unless there are more than ten (10) qualified applicants. When more than ten (10) applicants are certified as meeting the basic eligibility requirements, the evaluation process as outlined in Chapter 5 will be used to further screen the candidates prior to referral. The Human Resource Officer will appoint a panel of three members to evaluate candidates. One member of the panel will be an HRO staff representative, who's qualified in qualification examination techniques, and the other two members must have technical expertise in the career field in which the vacancy exists. A union official or steward may be present, as an observer, during panel proceedings considering technicians for promotion to non-supervisory positions.

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5-3. Evaluating Performance. The current official Technician Performance Appraisal will be used to evaluate the applicant's performance. Individuals who do not have official Technician Performance Appraisals on file (Trial Probationary Employees) will be given an appraisal score of **Fully Successful Standards**.

5-4. Rating and Awards. Credit is awarded for pertinent honorary and monetary awards and Outstanding/Excellent Standard performance ratings conferred at the next lower grade and for positions classified at two-grade intervals at the next lower qualifying grade. When outstanding performance was recognized by both an Outstanding or Excellent standard performance rating and a monetary or honorary award for the same period of time, only one of the two will be credited. The HRO staffing representative will analyze the awards record to assess the qualifications demonstrated and their bearing on the requirements of the position being filled. Only the last three years for awards are considered to assure that current qualifications are reflected. Awards that are more than three years old will not be considered. A maximum of six points may be credited for this factor. Points are assigned as follows:

	<u>Current</u>	<u>Previous</u>	<u>Next Previous</u>
Outstanding Performance Rating	3	2	1
Excellent Performance Rating	2	1	0
Fully Successful Performance Rating	1	1	0
Performance Awards	1	0	0

5-5. Training and Education. A maximum of two points will be awarded for this factor. This refers to training and education, other than that credited for basic eligibility that was not considered elsewhere in the evaluation process, which is relevant to the position.

5-6. Overall Rating. The overall rating for each factor (experience, performance, training and education, and awards) will be combined.

5-7. Referral and Selection Certificate. The top candidates identified through the evaluation process will be listed on the referral and selection certificate as outlined in Chapter 6.

Note: Board proceedings are considered privileged information and will be sealed. The final result of the board will list candidates on the referral and selection certificate in no specific order. No other information will be released.

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6-4. Release of the Selectee. After selection for placement/promotion, a technician should be released promptly (usually within two weeks) from his/her present position. Close coordination must occur between the gaining and losing supervisor to insure that all required actions to disengage from one organization in preparation for reassignment are accomplished.

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CHAPTER 8
GRIEVANCES AND COMPLAINTS

8-1. **Grievances.** A technician who believes that proper procedures were not followed in a particular placement action for which they were an applicant may present a grievance under applicable grievance procedures. A grievance will not be considered when it is based solely on non-selection.

8-2. **Discrimination Complaints.** Allegations of discrimination because of race, color, religion, sex, age, handicapping conditions, or national origin made during any phase of the selection process will be considered under the New Jersey National Guard Equal Opportunity Program or under the dispute provisions of any appropriate labor-management contract.

8-3. **Other.** Other complaints or inquires including those made by non-technician candidates should be directed to the HRO. All such inquires will be considered and every effort to resolve such complaints.

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